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EXAMINER
MIZRAHI, DIANE D

ART UNIT	PAPER NUMBER
2175	16

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/541,326	ABBOTT ET AL.
	Examiner	Art Unit
	DIANE D. MIZRAHI	2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *three* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 2/13/04.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *9-48,54-80 and 86-93* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *9-48,54-80 and 86-93* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *02 April 2000* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date *6-7*.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

III. Detailed Action

Claims 9-48, 54-80, and 86-93 are presented for examination.

All previous presented rejections of the claims are hereby withdrawn as to being moot. Please see new office action below.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

For the clarity of the record, Examiner has separated and rejected the claims below according to error likeness.

Claims 10,16-28, 47, and 62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 10, Examiner is unclear as to what Applicant means by "proper" (line 1); (For, purposes of examination, Examiner will interpret "proper" as being relating to a subset of a given set.

Regarding Claim 15, Examiner is unclear as to what Applicant means by "distinguished" (lines 4-5); (For, purposes of examination, Examiner will interpret "distinguished" as being distinct;

Regarding Claim 17, Examiner is unclear as to what Applicant means by "distinguished" (lines 1 and 5); (For, purposes of examination, Examiner will interpret "distinguished" as being distinct;

Regarding Claim 18, Examiner is unclear as to what Applicant means by "distinguished" (line 3); (For, purposes of examination, Examiner will interpret "distinguished" as being distinct;

Regarding Claim 19, Examiner is unclear as to what Applicant means by "distinguished" (lines 5&7); (For, purposes of examination, Examiner will interpret "distinguished" as being distinct;

Regarding Claims 21-22, Examiner is unclear as to what Applicant means by "distinguished" (line 4); (For, purposes of examination, Examiner will interpret "distinguished" as being distinct;

Regarding Claims 23-24, Examiner is unclear as to what Applicant means by "distinguished" (lines 2&43); (For, purposes

of examination, Examiner will interpret "distinguished" as being

distinct;

Regarding Claims 25-26, Examiner is unclear as to what

Applicant means by "distinguished" (lines 2&5); (For, purposes

of examination, Examiner will interpret "distinguished" as being

distinct;

Regarding Claims 27-28, Examiner is unclear as to what

Applicant means by "distinguished" (lines 2&3); (For, purposes

of examination, Examiner will interpret "distinguished" as being

distinct;

Regarding Claim 47, Examiner is unclear as to what

Applicant means by "distinguished" (lines 2&5); (For, purposes

of examination, Examiner will interpret "distinguished" as being

distinct;

Regarding Claim 48, Examiner is unclear as to what

Applicant means by "distinguished" (lines 2&3); (For, purposes

of examination, Examiner will interpret "distinguished" as being

distinct; and

Regarding Claim 62, Examiner is unclear as to what

Applicant means by "distinguished" (lines 2&7); (For, purposes

of examination, Examiner will interpret "distinguished" as being

distinct.

Claims 25-26, 37, and 61 are rejected under 35 U.S.C. 112,

second paragraph, as being indefinite for failing to

particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

Regarding Claim 25-26, Examiner is unclear as to what

Applicant means by "an importance level" (line 3); What

constitutes an importance level? (For, purposes of examination,

Examiner will interpret "an importance level" as a level;

Regarding Claim 37, Examiner is unclear as to what

Applicant means by "an importance level reflecting the

importance". What constitutes and what is "an importance level

reflecting the importance" (line 2&3); (For, purposes of

examination, Examiner will interpret "an importance level

reflecting the importance" as a level;

Regarding Claim 61, Examiner is unclear as to what

Applicant means by "importance levels". What constitutes and

what is "importance levels" (line 2&3); (For, purposes of

examination, Examiner will interpret "importance levels" as a

level.

Claims 19-20, 34 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out

and distinctly claim the subject matter which applicant regards as the

invention.

Regarding Claims 19-20, Examiner is unclear as to what Applicant means by "a maximum age at which" (line 2&3); (For, purposes of examination, Examiner will interpret "a maximum age at which" as time; (claim 19, lines 7); and

Regarding Claim 34, Examiner is unclear as to what Applicant means by "a maximum age at which" (line 5); (For, purposes of examination, Examiner will interpret "a maximum age at which" as time; (claim 19, lines 7).

Claims 33, 41-48, 71, 78-80, and 88-89 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 33, Examiner is unclear as to what Applicant means by "it" (line 5); Examiner is unable to interpret the meaning of "it";

Regarding Claims 41-48 and 88-89, Examiner is unclear as to what Applicant means by "its" (Claim 41, line 12); Examiner is unable to interpret the meaning of "its";

Regarding Claim 71, Examiner is unclear as to what Applicant means by "it" (line 12); Examiner is unable to interpret the meaning of "it";

Regarding Claim 71, Examiner is unclear as to what Applicant means by "they" (line 7); Examiner is unable to interpret the meaning of "they"; and

Regarding Claims 78-80, Examiner is unclear as to what Applicant means by "its" (line 12); Examiner is unable to interpret the meaning of "its".

Claims 41-48, 63-77, 78-80, 88-89, 92-93 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards Claims 41-48 and 88-89, the term "at a frequency approximating the target frequency" (line 8) is a relative term which renders the claim indefinite. The term "at a frequency approximating the target frequency" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

In regards to Claim 47, the term "applying a selected abstraction technique" (line 3) is indefinite. Examiner asserts and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For the purposes of examination, Examiner

will interpret the claimed, "applying a selected abstraction

technique" as any technique.

In regards to Claims 63-77 and 92-93, the term "a range of

" (Claim 63, line 10) is a relative term which renders the claim

indefinite. The term "a range of " is not defined by the claim,

the specification does not provide a standard for ascertaining

the requisite degree, and one of ordinary skill in the art would

not be reasonably apprised of the scope of the invention. .

In regards to Claims 78-80, the term "a range of" (Claim,

78, line 10) is a relative term which renders the claim

indefinite. The term "a range of" is not defined by the claim,

the specification does not provide a standard for ascertaining

the requisite degree, and one of ordinary skill in the art would

not be reasonably apprised of the scope of the invention.

Claims 27-28, 54-62, 64, 69-71,73-74 and 90-91,   are

rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly

claim the subject matter which applicant regards as the

invention.

Regarding Claims 27-28, Examiner is unclear as to what

Applicant means by "may become available at a future time" (line

5); Examiner asserts that "future time" is indefinite and abstract. For purposes of examination, Examiner will interpret "future time" as time;

Regarding Claims 54-62 and 90-91, Examiner is unclear as to what Applicant means by "has the effect of reducing" (Claim 54, line 10); Examiner asserts that "has the effect of reducing" is indefinite and abstract.

Regarding Claim 64, Examiner is unclear as to what Applicant means by "effective times" (line 10); Examiner asserts that "effective times" is indefinite.

Regarding Claims 69-71, Examiner is unclear as to what Applicant means by "that would have been produced" (Claim 69, line 10); Examiner asserts that "effective times" is indefinite and abstract.

Regarding Claim 73, Examiner is unclear as to what Applicant means by "only shortly preceding the present time" (line 10); Examiner asserts that "only shortly preceding the present time" is indefinite and abstract.

Regarding Claim 74, Examiner is unclear as to what Applicant means by "subsequent and proximal" (line 10); Examiner is unclear as to how close the claimed, "subsequent and proximal" occurs. Also, Examiner asserts that "subsequent and proximal" is indefinite and abstract.

Claim Rejections - 35 USC . 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

Claims 30-38 are rejected under 35 U.S.C. 101 because the claims are directed to a non-statutory subject matter, specifically, directed towards an data structure.

The Supreme Court has repeatedly held that abstractions are not patentable. "An idea of itself is not patentable". Rubber-Tip Pencil Co. V. Howard, 20 Wall. 498, 07. Phenomena of nature, though just discovered, mental processes, abstract intellectual concepts are not patentable, as they are the basic tools of scientific and technological work Gottschalk v. Benson, 175 USPQ 673, 675 (S Ct 1972). It is a common place that laws of nature, physical phenomena, and abstract ideas are not patentable subject matter Parker v. Flook, 197 USPQ 193, 201 (S Ct 1978).

Data Structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are neither physical "things" nor statutory processes. Applicant's claims are not within any of

the statutory classes. Data structures should define structural

and functional interrelationships between data structures or

functional parts and a computer system which permit the data

functions to be realized, and is statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs

of 35 U.S.C. 102 that form the basis for the rejections under

this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for
patent by another filed in the United States before the invention thereof
by the applicant for patent, or on an international application by another
who has fulfilled the requirements of paragraphs (1), (2), and (4) of
section 371(c) of this title before the invention thereof by the applicant
for patent.

The changes made to 35 U.S.C. 102(e) by the American

Inventors Protection Act of 1999 (AIPA) and the Intellectual

Property and High Technology Technical Amendments Act of 2002 do

not apply when the reference is a U.S. patent resulting directly

or indirectly from an international application filed before

November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the

amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 9-48, 54-75 are rejected under 35 U.S.C. 102(e) as
being anticipated by Joy P. Bixby et al. (US Patent No.
5,317,568 and Bixby hereinafter).

Regarding Claim 9, Bixby teaches a method in a computing
device for specifying context attributes for logging,
comprising: displaying a list of context attributes (i.e.
attributes include relationships, values, status, filters,
tables, time, entries, descriptive information) (col 56, lines
57-69); see also (i.e. resources (objects) that must be managed,
and the characteristics (attributes) (col 97, lines 55-60)
available in the computing device (i.e. personal computers)
(col, 9, lines 13-17), receiving user input (i.e. to interact
with the SEND, RECEIVE and STATUS primitives. The primitives
offer parameters for functional customization of the individual
communications managers dependent upon the user needs,) (col
2,lines 61-69 to col 3, lines 1-3) identifying a subset (i.e.
objects divided into classes and subclasses) col 57, lines 56-
69) of the displayed available context attributes (i.e.
attributes include relationships, values, status, filters,
tables, time, entries, descriptive information) (col 56, lines
57-69); see also (i.e. resources (objects) that must be managed,
and the characteristics (attributes) (col 97, lines 55-60) for
logging (i.e. Event Logging) (col 66,lines 28-40; and selecting

the identified context attributes for logging (i.e. Sieve

Construct is used for selecting notifications to be reported)

(col 66, lines 28-40); see also (i.e. event log for repository

for event records, col 66, lines 41-55).

Regarding Claim 10, Bixby 10, teaches wherein a proper,

subset of the displayed available context attributes are selected

(i.e. event log for repository - (i.e. for example a repository is one

that that contains or is a store of something specified for event

records,) col 66, lines 41-55).

Regarding Claim 11, Bixby 11 wherein a single displayed

available context attributes is selected (i.e. select

notifications ... from managed objects ... attribute identifiers)

(col 66, lines 28-40.

Regarding Clam 12, Bixby teaches periodically storing

values of the selected context attributes (i.e. achieved by the

Agent Model processing the object attributes by control flags

and filters)(col 56, lines 57-69).

Regarding Claim 13, Bixby teaches receiving user input

(i.e. to interact with the SEND, RECEIVE and STATUS primitives.

The primitives offer parameters for functional customization of

the individual communications managers dependent upon the user

needs,) (col 2,lines 61-69 to col 3, lines 1-3)

identifying, for each of the selected context attributes (i.e.
attributes include relationships, values, status, filters,
tables, time, entries, descriptive information) (col 56, lines
57-69), a log in which the selected context attribute is to be
logged (i.e. Event Log object classes …. Selecting notifications
whose data is to be logged)(col 66,lines 24-40).

Regarding Claim 14, Bixby teaches for each of the selected
context attributes (i.e. attributes include relationships,
values, status, filters, tables, time, entries, descriptive
information) (col 56, lines 57-69), periodically storing values
of the selected context attribute (i.e. achieved by the Agent
Model processing the object attributes by control flags and
filters)(col 56, lines 57-69) in the log identified for the
selected context attribute (i.e. Event Log object classes) (col
66, lines 28-40).

Regarding Claim 15, Bixby teaches associating with each
selected context attribute (i.e. attributes include
relationships, values, status, filters, tables, time, entries,
descriptive information) (col 56, lines 57-69) a frequency at
which the selected context attribute is to be logged (i.e. by
flushing the log) (col 66,lines 41-48)(see also alarm report
parameters include threshold, problems) (col 66, lines 64-69 to
col 67, lines 1-7).

Regarding Claim 16, Bixby teaches for a distinguished one
of the selected context attributes (i.e. attributes include
relationships, values, status, filters, tables, time, entries,
descriptive information) (col 56, lines 57-69), receiving user
input (i.e. to interact with the SEND, RECEIVE and STATUS
primitives. The primitives offer parameters for functional
customization of the individual communications managers
dependent upon the user needs,) (col 2,lines 61-69 to col 3,
lines 1-3) specifying the frequency (i.e. by flushing the log)
(col 66,lines 41-48)(see also alarm report parameters include
threshold, problems) (col 66, lines 64-69 to col 67, lines 1-7)
at which the distinguished context attribute is to be logged
that is associated with the distinguished context attribute
(i.e. achieved by the Alarm Report specifying the event types)
(col 66, lines 64-69 to col 67, lines 39).

Regarding Claim 17, Bixby teaches selecting one of the
sources from which to obtain the distinguished context attribute
that is to be logged (i.e. subclass of event record object…
instances of these event record subclasses contained in the
event log object) (col 65, lines 40-45).

Regarding Claim 18, Bixby teaches receiving user input
specifying (i.e. to interact with the SEND, RECEIVE and STATUS
primitives. The primitives offer parameters for functional

customization of the individual communications managers

dependent upon the user needs,) (col 2,lines 61-69 to col 3,

lines 1-3) the source from which to obtain the distinguished

context attribute that is to be logged (i.e. subclass of event

record object… instances of these event record subclasses

contained in the event log object) (col 65, lines 40-45).

Regarding Claim 19, Bixby teaches values for context

attributes may be cached, (i.e. buffer is a cache memory) (Table

14.4) and wherein each cached context attribute value has an age

(i.e. specified TIME -FRAME) (col 18, lines 21-32), the method

further comprising determining for a distinguished one of the

selected context attributes (i.e. subclass of event record

object… instances of these event record subclasses contained in

the event log object) (col 65, lines 40-45); see also (i.e.

attributes include relationships, values, status, filters,

tables, time, entries, descriptive information) (col 56, lines

57-69) a maximum age (i.e. specified TIME -FRAME) (col 18, lines

21-32), at which cached values (i.e. buffer is a cache memory)

(Table 14.4) of the distinguished context attribute may be

logged (i.e. subclass of event record object… instances of these

event record subclasses contained in the event log object) (col

65, lines 40-45).

Regarding Claim 20, Bixby teaches wherein the determined maximum age (i.e. specified TIME -FRAME) (col 18, lines 21-32) is based upon user input (col 18, lines exception notification … before user defined timeout …)(col 18, lines 45-46).

Regarding Claim 21, Bixby teaches determining for a distinguished one of the selected context attributes a processing technique to which the distinguished (i.e. subclass of event record object… instances of these event record subclasses contained in the event log object) (col 65, lines 40-45) context attribute is to be subjected before (i.e. filter) (col 56, lines 57-69) logging (i.e. by flushing the log) (col 66,lines 41-48).

Regarding Claim 22, Bixby teaches wherein the determined processing technique is based upon user input (i.e. an origin end user transfers the distribution) (col 3,lines 33-41).

Regarding Claim 23, Bixby teaches determining for a distinguished one of the selected context attributes (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), a processing technique to which the logged (i.e. Event log) (col 66, lines 33) distinguished context attribute is to be subjected at a time subsequent to logging (i.e. by filtering) (col 56, lines 57-69) see also (i.e. by flushing the

log) (col 66, lines 41-48) see also (time, entries, descriptive

information) (col 56, lines 57-69).

Regarding Claim 24, Bixby teaches wherein the determined

processing technique is based upon user input (i.e. an origin

end user transfers the distribution) (col 3,lines 33-41).

Regarding Claim 25, Bixby teaches determining for a

distinguished one of the selected context attributes (i.e.

attributes include relationships, values, status, filters,

tables, time, entries, descriptive information) (col 56, lines

57-69) an importance level (i.e. subclass of event record

object) (col 65, lines 41) reflecting the importance of

retaining the logged (col 65, lines 40- 45) distinguished

context attribute (i.e. attributes include relationships,

values, status, filters, tables, time, entries, descriptive

information).

Regarding Claim 26, Bixby teaches wherein the determined

importance level is based upon user input (i.e. objects and

attributes must be managed into classes and subclasses) (col 57,

lines 55-60).

Regarding claim 27, Bixby teaches identifying for a

distinguished one of the selected context attributes (i.e.

attributes include relationships, values, status, filters,

tables, time, entries, descriptive information) an alternative

source from which the distinguished context attribute (i.e.

Event record or add value record or attribute change record)

(col 57, lines 56-69) may become available at a future time

(i.e. attribute change record or remove value record event log)

(col 57, lines 56-69).

Regarding Claim 28, Bixby teaches wherein the identified

alternative source (i.e. Event record or add value record or

attribute change record) (col 57, lines 56-69) is based upon

user input (i.e. an origin end user transfers the distribution)

(col 3,lines 33-41).

Regarding Claim 29, Bixby teaches a computer-readable

medium whose contents cause a computing device to specify

context data items for logging by (i.e. attributes include

relationships, values, status, filters, tables, time, entries,

descriptive information) (col 56, lines 57-69), (i.e. Event log)

(col 66, lines 33) displaying a list of available data items

(Table 14.2) (col 89, lines 1-15), receiving user input (i.e.

objects and attributes must be managed into classes and

subclasses) (col 57, lines 55-60) identifying a subset of the

displayed available data items for logging (i.e. subclass of

event record object... instances of these event record subclasses

contained in the event log object) (col 65, lines 40-45); and

selecting the identified data items for logging (i.e. to

interact with the SEND, RECEIVE and STATUS primitives. The
primitives offer parameters for functional customization of the
individual communications managers dependent upon the user
needs,) (col 2,lines 61-69 to col 3; lines 1-3).

Regarding Claim 30, Bixby teaches one or more computer
memories that collectively contain a context attribute logging
configuration data structure (i.e. mapped or unmapped data
structures. Data identified as unmapped is assembled at the
origin point into a single contiguous data string and delivered
to the destination) (col 15,lines 15-17) specifying how context
attributes are to be logged (i.e. attributes include
relationships, values, status, filters, tables, time, entries,
descriptive information) (col 56, lines 57-69), (i.e. Event log)
(col 66, lines 33), comprising entries each corresponding to a
context attribute (i.e. attributes include relationships,
values, status, filters, tables, time, entries, descriptive
information) (col 56, lines 57-69) and indicating that the
context attribute should be logged (i.e. attributes include
relationships, values, status, filters, tables, time, entries,
descriptive information) (col 56, lines 57-69), (i.e. Event log)
(col 66, lines 33), such that the data structure (i.e. mapped
or unmapped data structures. Data identified as unmapped is
assembled at the origin point into a single contiguous data

string and delivered to the destination) (col 15,lines 15-17)

may be used to identify context attributes (i.e. attributes

include relationships, values, status, filters, tables, time,

entries, descriptive information) (col 56, lines 57-69) for

logging (i.e. Event log) (col 66, lines 33).

Regarding Claim 31, Bixby teaches wherein each entry of the

data structure is a record (i.e. mapped or unmapped data

structures. Data identified as unmapped is assembled at the

origin point into a single contiguous data string and delivered

to the destination) (col 15,lines 15-17).

Regarding Claim 32, Bixby teaches wherein each entry of the

data structure (i.e. mapped or unmapped data structures. Data

identified as unmapped is assembled at the origin point into a

single contiguous data string and delivered to the destination)

(col 15,lines 15-17) further specifies a frequency at which the

context attribute to which (i.e. by flushing the log) (col

66,lines 41-48)(see also alarm report parameters include

threshold, problems) (col 66, lines 64-69 to col 67, lines 1-7)

the entry corresponds is to be logged (i.e. attributes include

relationships, values, status, filters, tables, time, entries,

descriptive information) (col 56, lines 57-69), (i.e. Event log)

(col 66, lines 33).

Regarding Claim 33, Bixby teaches wherein one or more

selected entries of the data structure (i.e. mapped or unmapped

data structures. Data identified as unmapped is assembled at the

origin point into a single contiguous data string and delivered

to the destination) (col 15,lines 15-17) which corresponds to a

context attribute (i.e. attributes include relationships,

values, status, filters, tables, time, entries, descriptive

information) (col 56, lines 57-69) that may be available from

more than one source (i.e. Event record or add value record or

attribute change record) (col 57, lines 56-69) further specifies

a particular source from which to obtain the context attribute

to which it corresponds (i.e. mapped or unmapped data

structures. Data identified as unmapped is assembled at the

origin point into a single contiguous data string and delivered

to the destination) (col 15,lines 15-17).

Regarding Claim 34, Bixby teaches wherein values for

context attributes may be cached (i.e. buffer is a cache memory)

(Table 14.4), and wherein each cached (i.e. buffer is a cache

memory) (Table 14.4) context attribute value has an age (i.e.

time) (col 56, lines 57-69) (i.e. specified TIME -FRAME) (col

18, lines 21-32), and wherein each of one or more selected

entries of the data structure (i.e. mapped or unmapped data

structures. Data identified as unmapped is assembled at the

origin point into a single contiguous data string and delivered

to the destination) (col 15,lines 15-17) specifies a maximum age

(i.e. specified TIME -FRAME) (col 18, lines 21-32), at which

cached values of the context attribute to which the entry

corresponds may be logged (i.e. buffer is a cache memory) (Table

14.4).

Regarding Claim 35, Bixby teaches wherein each of one or

more selected entries of the data structure specifies a

processing technique to which the corresponding (i.e. mapped or

unmapped data structures. Data identified as unmapped is

assembled at the origin point into a single contiguous data

string and delivered to the destination) (col 15,lines 15-17)

context attribute is to be subjected before logging (i.e.

attributes include relationships, values, status, filters,

tables, time, entries, descriptive information) (col 56, lines

57-69).

Regarding Claim 36, Bixby teaches wherein each of one or

more selected entries of the data structure specifies a

processing technique (i.e. mapped or unmapped data structures.

Data identified as unmapped is assembled at the origin point

into a single contiguous data string and delivered to the

destination) (col 15,lines 15-17) to which the corresponding

context attribute (i.e. attributes include relationships,

values, status, filters, tables, time, entries, descriptive

information) (col 56, lines 57-69), (i.e. Event log) (col 66,

lines 33) is to be subjected at a time subsequent to logging

(i.e. by filtering) (col 56, lines 57-69) see also (i.e. by

flushing the log) (col 66,lines 41-48) see also (time, entries,

descriptive information) (col 56, lines 57-69).

Regarding Claim 37, Bixby teaches wherein each of one or

more selected entries of the data structure specifies an

importance level reflecting the importance of retaining

information (i.e. subclass of event record object... instances of

these event record subclasses contained in the event log object)

(col 65, lines 40-45); produced by logging the corresponding

context attribute (i.e. attributes include relationships,

values, status, filters, tables, time, entries, descriptive

information) (col 56, lines 57-69), (i.e. Event log) (col 66,

lines 33).

Regarding Claim 38, Bixby teaches wherein each of one or

more selected entries of the data structure (i.e. mapped or

unmapped data structures. Data identified as unmapped is

assembled at the origin point into a single contiguous data

string and delivered to the destination) (col 15,lines 15-17)

Specifies an alternative source from which the corresponding

context attribute may become available at a future time (i.e.

time) (col 56, lines 57-69) see also (i.e. specified TIME -

FRAME) (col 18, lines 21-32).

Regarding Claim 39, Bixby displaying a list of groups of

context attributes (i.e. attributes include relationships,

values, status, filters, tables, time, entries, descriptive

information) (col 56, lines 57-69), (i.e. Event log) (col 66,

lines 33) available in the computing device (Figure 1),

receiving user input (i.e. to interact with the SEND, RECEIVE

and STATUS primitives. The primitives offer parameters for

functional customization of the individual communications

managers dependent upon the user needs,) (col 2,lines 61-69 to

col 3, lines 1-3) identifying a subset of the displayed groups

(i.e. subclass of event record object… instances of these event

record subclasses contained in the event log object) (col 65,

lines 40-45); of available context attributes for logging (i.e.

attributes include relationships, values, status, filters,

tables, time, entries, descriptive information) (col 56, lines

57-69), (i.e. Event log) (col 66, lines 33); and selecting the

context attributes of the identified groups for logging (i.e.

attributes include relationships, values, status, filters,

tables, time, entries, descriptive information) (col 56, lines

57-69), (i.e. Event log) (col 66, lines 33).

Regarding Claim 40, Bixby teaches wherein one of the displayed groups of available context attributes contains context attributes relating to travel (i.e. to go from one place to another for example wide area network) (Figure 1).

Regarding Claim 41, Bixby teaches a method in a computing device for logging context attributes, comprising for each of a set of selected context attributes (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), determining a target frequency (i.e. by flushing the log) (col 66,lines 41-48)(see also alarm report parameters include threshold, problems) (col 66, lines 64-69 to col 67, lines 1-7) with which values of the selected context attribute (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) are to be logged (i.e. Event log) (col 66, lines 33) for each of the set (i.e. subclass of event record object) (col 65, lines 41) (see also col 65, lines 40- 45) of selected context attributes , obtaining values of the selected context attribute at a frequency approximating the target frequency (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69) determined for the selected context attribute (i.e. attributes include relationships,

values, status, filters, tables, time, entries, descriptive

information) (col 56, lines 57-69); and for each obtained

context attribute value (i.e. attributes include relationships,

values, status, filters, tables, time, entries, descriptive

information) (col 56, lines 57-69), writing (i.e. e.g., the

writing of received) (col 56, line 9) the obtained value to a

storage device in a manner that identifies its context attribute

(i.e. the writing of received) (col 56, lines 6-9).

Regarding Claim 42, Bixby teaches wherein the obtained

values are written to a storage device in the computing device

(i.e. the writing of received) (col 56, lines 6-9).

Regarding Claim 43, Bixby teaches wherein the obtained

values are written to a storage device external to the computing

device (i.e. the writing of received) (col 56, lines 6-9).

Regarding Claim 44, Bixby teaches wherein values obtained

in a plurality of computing devices are written to the storage

device external to the computing device (i.e. e.g., the writing

of received) (col 56, lines 6-9).

Regarding Claim 45, Bixby teaches wherein the method

utilizes characterization module process operational commands

issued from a management console to manage and control the CM

and its environment; and 4) process remote "Privileged" EU

requests. Privileged EU functions include, for example,

Configuration/Name, Accounting, Fault, Performance,

Alert/Notification and Security management, and wherein, for

each of the selected context attributes, a context server module

(i.e. table server application) (col 14, lines 7) is registered

(i.e. process operational commands issued from a management

console to manage and control the CM and its environment; and 4)

process remote "Privileged" EU requests. Privileged EU functions

include, for example, Configuration/Name, Accounting, Fault,

Performance, Alert/Notification and Security management) (col

14, lines 4-15) with the characterization module (i.e. CM and

its environment; and 4) process remote "Privileged" EU requests.

Privileged EU functions include, for example, configuration

/Name, Accounting, Fault, Performance, Alert/Notification and

Security management)(col 14, lines 4-15) to provide the selected

context attribute (i.e. from any of the attributes which

include relationships, values, status, filters, tables, time,

entries, descriptive information) (col 56, lines 57-69), and

wherein the obtaining a value of a selected context attribute

(i.e. from any of the attributes which include relationships,

values, status, filters, tables, time, entries, descriptive

information) (col 56, lines 57-69), involves requesting (i.e.

the writing of received) (col 56, lines 6-9), by the

characterization module (i.e. CM and its environment; and 4)

process remote "Privileged" EU requests. Privileged EU functions

include, for example, Configuration/Name, Accounting, Fault,

Performance, Alert/Notification and Security management)(col 14,

lines 4-15), a value (i.e. commands and parameter values which

Privileged End User applications may use to request

services)(col 17, lines 31-39) of the selected (i.e.

applications may use to request services)(col 17, lines 31-39)

context attribute (i.e. from any of the attributes which

include relationships, values, status, filters, tables, time,

entries, descriptive information) (col 56, lines 57-69) from the

context server module (i.e. table server application) (col 14,

lines 7) registered to provide the selected context attribute

(i.e. from any of the attributes which include relationships,

values, status, filters, tables, time, entries, descriptive

information) (col 56, lines 57-69).

Regarding Claim 46, Bixby teaches for values (i.e. commands

and parameter values which Privileged End User applications may

use to request services)(col 17, lines 31-39) of a distinguished

one of the selected context attributes, applying a selected

summarization (i.e. by reducing a class into a subclass of event

record object) (col 65, lines 41) technique (i.e. the LU 6.2

verbs and parameters such as shown in Table 14.4) (col 94,

lines 3-6) to adapt the values of the distinguished (i.e.

commands and parameter values which Privileged End User

applications may use to request services)(col 17, lines 31-39)

context attribute before storing them (i.e. from any of the

attributes which include relationships, values, status, filters,

tables, time, entries, descriptive information) (col 56, lines

57-69).

Regarding Claim 47, Bixby teaches for values of a

distinguished (i.e. commands and parameter values which

Privileged End User applications may use to request

services)(col 17, lines 31-39) one of the selected context

attributes (i.e. from any of the attributes which include

relationships, values, status, filters, tables, time, entries,

descriptive information) (col 56, lines 57-69), applying a

selected abstraction technique (i.e. the communication manager

performs services requested by the end-users) (col 53, lines 35-

45 to adapt the values of the distinguished (i.e. commands and

parameter values which Privileged End User applications may use

to request services)(col 17, lines 31-39) context attribute

before storing them (i.e. from any of the attributes which

include relationships, values, status, filters, tables, time,

entries, descriptive information) (col 56, lines 57-69).

Regarding Claim 48, Bixby teaches values of a distinguished

one of the (i.e. commands and parameter values which Privileged

End User applications may use to request services)(col 17, lines

31-39) selected context attributes (i.e. from any of the

attributes which include relationships, values, status, filters,

tables, time, entries, descriptive information) (col 56, lines

57-69), applying a selected compression technique to (i.e. by

reducing a class into a subclass of event record object) (col

65, lines 41)adapt the values of the distinguished (i.e.

commands and parameter values which Privileged End User

applications may use to request services)(col 17, lines 31-39)

context attribute before storing them (i.e. by flushing the log)

(col 66,lines 41-48).

Regarding Claim 54, Bixby teaches a method in a computing

device for maintaining a log of context attributes, comprising:

accessing (i.e. performs services request by the end-users) (col

53, lines 35-45)the log (i.e. event log for repository - (i.e.

for example a repository is one that that contains or is a store

of something specified for event records,) (col 66, lines 41-55)

of context attributes, which contains values for each of a (i.e.

commands and parameter values which Privileged End User

applications may use to request services)(col 17, lines 31-39)

plurality of context attributes (i.e. from any of the attributes

which include relationships, values, status, filters, tables,

time, entries, descriptive information) (col 56, lines 57-69),

and applying to values of a selected one of the plurality of

(i.e. commands and parameter values which Privileged End User

applications may use to request services)(col 17, lines 31-39)

context attributes contained by the log a maintenance technique

(i.e. the communication manager performs services request by the

end-users) (col 53, lines 35-45) that has the effect of reducing

the amount of storage space occupied by the log (i.e. by

reducing a class into a subclass of event record object) (col

65, lines 41).

Regarding Claim 55, Bixby teaches wherein the applied

maintenance technique (i.e. the communication manager performs

services request by the end-users such as performance

measurements …. etc) (col 53, lines 35-45) is a compression

technique (i.e. by reducing a class into a subclass of event

record object) (col 65, lines 41).

Regarding Claim 56, Bixby teaches wherein the applied

maintenance technique is a summarization technique (i.e. by

reducing a class into a subclass of event record object) (col

65, lines 41) see also (i.e. accounting statistical collection

and management) (col 53, lines 35-49).

Regarding Claim 57, Bixby teaches wherein the applied

maintenance technique is a thinning technique (i.e. by reducing

a class into a subclass of event record object) (col 65, lines

41) that discards a portion of the values of the selected

context attribute while retaining others (i.e. by flushing the

log) (col 66,lines 41-48).

Regarding Claim 58, Bixby teaches wherein the applied

maintenance technique (i.e. the communication manager performs

services request by the end-users) (col 53, lines 35-45)

discards (i.e. abort, delete or cancel-get) (col 54, lines 7-

12) all values (i.e. abort, delete or cancel-get) (col 54,

lines 7-12) of the selected context attribute (i.e. from any of

the attributes which include relationships, values, status,

filters, tables, time, entries, descriptive information) (col

56, lines 57-69).

Regarding Claim 59, Bixby teaches wherein the applied

maintenance technique is an information abstraction technique

(i.e. the communication manager performs services request by the

end-users) (col 53, lines 35-45).

Regarding Claim 60, Bixby teaches wherein the applied

maintenance technique is an archiving technique (i.e. event

reporting sieve distributes the event data received to an event

log or some other application (col 66,lines 21-27) see also

(i.e. event log for repository - i.e. for example a repository

is one that that contains or is a store of something specified

for event records,) col 66, lines 41-55)   that removes values

of the selected context attribute from the log and stores them

outside the log (i.e. log configured with a sieve construct… to

be taken by the log when it is full)(col 66, lines 41-54)) (I

.e. mini-computer stores information by vendor proprietary to

personal computer) (Figure 1, #108, 124).

Regarding Claim 61, Bixby teaches wherein an importance

level (i.e. subclass of event record object) (col 65, lines 41)

is specified for each of the context attributes whose values

(i.e. log configured with a sieve construct… to be taken by the

log when it is full)(col 66, lines 41-54) are contained by the

log (col 65, lines 40- 45), the method further comprising:

comparing the importance levels specified for the context

attributes (i.e. how these managed objects fit into a system of

managed objects and how they correlate) (col 56, lines 46-55),

and selecting a context attribute to which to apply a

maintenance technique based upon the results of the comparison

(i.e. achieved by the Director) (col 41-55).

Regarding Claim 62, Bixby teaches determining that values

(i.e. log configured with a sieve construct… to be taken by the

log when it is full)(col 66, lines 41-54) for a distinguished

one of the context attributes(i.e. from any of the attributes

which include relationships, values, status, filters, tables,

time, entries, descriptive information) (col 56, lines 57-69),

whose values (i.e. log configured with a sieve construct… to be

taken by the log when it is full)(col 66, lines 41-54) are

contained by the log are available from an independent source

(i.e. the CM accepts a DU from a EU, segments it as

necessary)(col 11, lines 30-33); and based upon the

determination)(col 11, lines 30-33); selecting the distinguished

context attribute (i.e. from any of the attributes which include

relationships, values, status, filters, tables, time, entries,

descriptive information) (col 56, lines 57-69), to which to

apply a maintenance technique (i.e. the communication manager

performs services request by the end-users such as performance

measurements …. etc) (col 53, lines 35-45).

Regarding Claim 63, Bixby teaches a method in a computing

device for retroactively analyzing a log of context attribute

values, each context attribute (i.e. from any of the attributes

which include relationships, values, status, filters, tables,

time, entries, descriptive information) (col 56, lines 57-69),

value (i.e. log configured with a sieve construct… to be taken

by the log when it is full)(col 66, lines 41-54) contained by

the log being stored with an indication of a corresponding data

item and an indexing value, the method comprising: receiving a

specification for analyzing values among the stored values (i.e.

configuration of vendor specific hardware and software) (Figure

2) , the specification specifying one or more (i.e.

configuration of vendor specific hardware and software) (Figure

2) context attributes (i.e. from any of the attributes which

include relationships, values, status, filters, tables, time,

entries, descriptive information) (col 56, lines 57-69), a range

of indexing values (i.e. log configured with a sieve construct…

to be taken by the log when it is full)(col 66, lines 41-54),

and an analysis technique (i.e. local repository for event

driven statistical data recorded for CM management functions

(i.e., "performance" management, "accounting" management). Col

35, lines 50-56), retrieving stored values for the specified

context attributes (i.e. from any of the attributes which

include relationships, values, status, filters, tables, time,

entries, descriptive information) (col 56, lines 57-69), within

the specified range of indexing values (i.e. log configured with

a sieve construct… to be taken by the log when it is full)(col

66, lines 41-54); and applying the specified analysis technique

(i.e. local repository for event driven statistical data

recorded for CM management functions (i.e., "performance"

management, "accounting" management). Col 35, lines 50-56) to

the retrieved values to produce an analysis of the context

attributes (i.e. from any of the attributes which include

relationships, values, status, filters, tables, time, entries,
descriptive information) (col 56, lines 57-69).

Regarding Claim 64, Bixby teaches wherein the indexing
values (i.e. log configured with a sieve construct…)(col 66,
lines 41-54) are effective times (i.e. a time, entries,
descriptive information) (col 56, lines 57-69) associated with
the data items (i.e. time, entries, descriptive information)
(col 56, lines 57-69).

Regarding Claim 65, Bixby teaches wherein a first portion
of the retrieved values were produced by a first attribute
value-producing computing device (Figure 1, #101,108,124,
113,114,116) and a second portion of the retrieved values that
is distinct from the first portion of the retrieved values were
produced by a second attribute value-producing computing device
(Figure 1, #101,108,124, 113,114,116)(i.e. from the local
repository for event driven statistical data) (Col 35, lines 50-
56) see also (col 11, lines 31-32).

Regarding Claim 66, Bixby teaches wherein the specified
analysis technique is a summarization technique (i.e. by
reducing a class into a subclass of event record object) (col
65, lines 41) technique (i.e. the LU 6.2 verbs and parameters
such as shown in Table 14.4) (col 94, lines 3-6).

Regarding Claim 67, Bixby teaches wherein the specification specifies two or more context attributes (i.e. from any of the attributes which include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), and specifies an analysis technique that involve (i.e. local repository for event driven statistical data recorded for CM management functions (i.e., "performance" management, "accounting" management). Col 35, lines 50-56) combining (i.e. coalsesced) (col 10, lines 65-66) values (i.e. by the state such as the active, unlocked state and its own state is enabled, unlocked. The Sign-On process is established using the M-Initiate command, which is sent to its adjacent Communications Managers. This command must be used in the Confirmed mode to ensure that its partner Communications Manager is present. Any negotiable parameters between the partners are carried in the user information portion of the command. If all negotiable parameters have been agreed upon, the operational state is changed to active and normal communications can flow (col 64, lines 48-63) of the specified context attributes (i.e. from any of the attributes which include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69).

Regarding Claim 68, Bixby teaches wherein application of

the specified analysis technique *produces a new context*

attribute value (i.e. envelopes the segmented data by

converting it) (col 11, lines 31-32).

Regarding Claim 69, Bixby teaches wherein a rule (i.e. the

director provides for decision making)(col 55, line 49) (see

also i.e. by the Architecture Logic) (Table 14.1) (col 86, lines

19-60) designed for analyzing context attribute values in real-

time (i.e. QUERY specifies LIMITED Assurance with optional

EXCEPTION NOTIFICATION and that the Distribution is an original

request. The SOURCE-EU expects a REPLY from the DESTINATION-EU

(or from another EU if the QUERY requires RELAY) within the

specified Time -FRAME. If a REPLY is not received within the

specified Time -FRAME the SOURCE-EU will receive a timeout

notification from the local Communications Manager. The specific

time frames are implementation dependent) (col 18, lines 20-29)

to produce a result is available in the computing device (.i.e.

will receive a timeout notification) (col 18, lines 20-29), and

wherein the specified analysis technique includes determining a

result that would have been produced if the rule had been

applied (i.e. prior to T-2 threshold being reached … due to

being in a T-1 depletion state… if the requesting CM has been

identified…) (col 32, lines 58-64)to analyze the specified

context attribute values at the time they were generated (i.e.

event driven) (col 35, line 54); see also(col 32, lines 58-64).

Regarding Claim 70, Bixby teaches wherein the available

rule (i.e. is achieved by the Architecture Logic) (Table 14.1)

(col 86, lines 19-60) is obtained from a second, distinct

computing device in which the available rule has already been

adopted (Figure 1, #101,108,124, 113,114,116).

Regarding Claim 71, Bixby teaches adopting the rule for

future real-time application if it is determined that a (col 86,

lines 19-60) successful result (i.e. based on the internal timer

value and retry counts) (col 18, lines 45-50) would have been

produced (col 18, lines 45-50) if the rule (i.e. is achieved by

the Architecture Logic) (Table 14.1) (col 86, lines 19-60) had

been applied to analyze the (i.e. repository for event driven

statistical data ..."performance" management, "accounting"

management). Col 35, lines 50-56) specified context attribute

(i.e. from any of the attributes which include relationships,

values, status, filters, tables, time, entries, descriptive

information) (col 56, lines 57-69) values at the time they were

generated (i.e. is achieved by the Architecture Logic) (Table

14.1) (col 86, lines 19-60).

Regarding Claim 72, Bixby teaches wherein the specified
analysis technique identifies (i.e. how these managed objects
fit into a system of managed objects and how they correlate)
(col 56, lines 46-55) a recurring pattern in the retrieved
context attribute values (i.e. RETURN is a variable containing
the identification of the End User to receive the requested
delivery notification or reply. The RETURN IDENTIFICATION is
assumed to be the same as the SOURCE IDENTIFICATION unless this
variable specifies otherwise. RETURN is a required parameter
with a distribution TYPE of RELAY-QUERY) (col 19,ines 49-55) see
also (i.e. renegotiation of the relationship .. time a pipe
connection is established)(col 69, lines 64-66).

Regarding Claim 73, Bixby teaches determining that the most
recent pattern recurrence (i.e. RETURN is a variable containing
the identification of the End User to receive the requested
delivery notification or reply. The RETURN IDENTIFICATION is
assumed to be the same as the SOURCE IDENTIFICATION unless this
variable specifies otherwise. RETURN is a required parameter
with a distribution TYPE of RELAY-QUERY) (col 19, lines 49-55)
is identified in context attribute values having effective times
only shortly preceding the present time (i.e. prior (col 37,
lines 60-65) determining that the retrieved context values (col

37, lines 48-50) include context values reflecting an action

taken by a user (i.e. objects and attributes must be managed

into classes and subclasses) (col 57, lines 55-60) subsequent

(col 52, lines 51-69), and proximal to at least one earlier

occurrence of the pattern (i.e. return) (col 52, lines 51-69),

and based upon both determination, making preparations in

anticipation of repetition of the action by the user (i.e. None

Full Yes Send Returns until nothing, delivered log error or

according exceeds to local retry system count convention No

Excep- Limit- Yes Send Return … once exception No Excep- Full

Yes Send Return … until exception delivered or exceeds retry

count No COD Limit-)(col 52, lines 51-69) .

Regarding Claim 74 and 78, this claim is similar in scope

to the rejected claims 63-73 above and is therefore rejected as

set forth above.

Regarding Claim 75, Bixby teaches wherein the specified

analysis technique identifies in the retrieved context

attribute (i.e. from any of the attributes which include

relationships, values, status, filters, tables, time, entries,

descriptive information) (col 56, lines 57-69), values (i.e.

envelopes the segmented data by converting it) (col 11, lines

31-32) a pattern specified outside the log (i.e. None Full Yes

Send Returns until nothing, delivered log error or according

exceeds to local retry system count convention No Excep-Limit-

Yes Send Return ... once exception No Excep-Full Yes Send Return

... until exception delivered or exceeds retry count No COD Limit)

(col 52, lines 51-69) .

Claim Rejections - 35 USC 103

The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is
not identically disclosed or described as set forth in section
102 of this title, if the differences between the subject matter
sought to be patented and the prior art are such that the
subject matter as a whole would have been obvious at the time
the invention was made to a person having ordinary skill in the
art to which said subject matter pertains. Patentability shall
not be negatived by the manner in which the invention was made.

Claims 76-80, and 86-93 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Joy P. Bixby et al. (US Patent No.

5,317,568 and Bixby hereinafter) in view Jae A. Evans (US Patent

No. 5,924,074 and Evans hereinafter).

The teachings of Bixby have been discussed above.

Regarding Claim As to claim 76, Bixby does not expressly

teach the claimed, "diagnosis of user condition".

Evans teaches the claimed, "diagnosis of user condition"
(i.e. medication data capture 148 communicates with the patient
data capture …. obtain a diagnosis and alternative treatments
for various conditions) (col 7, lines 40-64).

It would have been obvious to a person of ordinary skill in
the art at the time of Applicant's invention to modify the
teachings of Bixby with the teachings of Evans to include the
claimed, "diagnosis of user condition" with the motivation to
enable authorized healthcare providers to access and update
patient files using wireless pen-based personal computers; and
to enable complete replacement of physical records, permiting
healthcare providers, such as physicians or nurse practitioners,
to electronically annotate patient data. Thus, a healthcare
provider can acknowledge reviewing patient data, provide
instructions, such as prescriptions for medication to administer
to a patient, and approve recommendations for treatment by other
providers, all by electronically annotating a patient's record.
In addition, authorized healthcare providers can access a record
while other providers use the same record allowing for real-time
collaboration. The availability of electronic data permits
instant, sophisticated analysis of patient data (Evans, col
2,lines 45-64).

Regarding Claim 77, Bixby does not teach the claimed, "medical diagnosis".

Evans teaches the claimed, "medical diagnosis" (i.e. medication data capture 148 communicates with the patient data capture …. obtain a diagnosis and alternative treatments for various conditions) (col 7, lines 40-64).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Bixby with the teachings of Evans to include the claimed, "medical diagnosis" with the motivation to enable authorized healthcare providers to access and update patient files using wireless pen-based personal computers; and to enable complete replacement of physical records, permitting healthcare providers, such as physicians or nurse practitioners, to electronically annotate patient data. Thus, a healthcare provider can acknowledge reviewing patient data, provide instructions, such as prescriptions for medication to administer to a patient, and approve recommendations for treatment by other providers, all by electronically annotating a patient's record. In addition, authorized healthcare providers can access a record while other providers use the same record allowing for real-time collaboration. The availability of electronic data permits

instant, sophisticated analysis of patient data (Evans, col

2,lines 45-64).

Regarding Claim 79, Bixby does not teach the claimed,

"wherein the computing device is a mobile computer system".

Evans teaches the claimed, "wherein the computing device is

a mobile computer system" (i.e. wireless pen-based personal

computer) (col 2,lines 45-64).

It would have been obvious to a person of ordinary skill in

the art at the time of Applicant's invention to modify the

teachings of Bixby with the teachings of Evans to include the

claimed, "wherein the computing device is a mobile computer

system" with the motivation to enable authorized healthcare

providers to access and update patient files using wireless pen-

based personal computers; and to enable complete replacement of

physical records, permitting healthcare providers, such as

physicians or nurse practitioners, to electronically annotate

patient data. Thus, a healthcare provider can acknowledge

reviewing patient data, provide instructions, such as

prescriptions for medication to administer to a patient, and

approve recommendations for treatment by other providers, all by

electronically annotating a patient's record. In addition,

authorized healthcare providers can access a record while other

providers use the same record allowing for real-time

collaboration. The availability of electronic data permits

instant, sophisticated analysis of patient data (Evans, col

2,lines 45-64).

Regarding Claim 80, Bixby does not teach the claimed,

"wherein the computing device is a wearable computer system".

Evans teaches the claimed, "wherein the computing device is

a wearable computer system" (i.e. wireless pen-based computer)

(col 2,lines 45-64).

It would have been obvious to a person of ordinary skill in

the art at the time of Applicant's invention to modify the

teachings of Bixby with the teachings of Evans to include the

claimed, "wherein the computing device is a wearable computer

system" with the motivation to enable authorized healthcare

providers to access and update patient files using wireless pen-

based personal computers; and to enable complete replacement of

physical records, permitting healthcare providers, such as

physicians or nurse practitioners, to electronically annotate

patient data. Thus, a healthcare provider can acknowledge

reviewing patient data, provide instructions, such as

prescriptions for medication to administer to a patient, and

approve recommendations for treatment by other providers, all by

electronically annotating a patient's record. In addition,

authorized healthcare providers can access a record while other

providers use the same record allowing for real-time

collaboration. The availability of electronic data permits

instant, sophisticated analysis of patient data (Evans, col

2,lines 45-64).

Regarding Claim 86, Bixby does not teach the claimed,

"wherein the computing device in which the method is performed

is a mobile computer system".

Evans teaches the claimed, "wherein the computing device in

which the method is performed is a mobile computer system" (i.e.

wireless pen-based computer) (col 2,lines 45-64).

It would have been obvious to a person of ordinary skill in

the art at the time of Applicant's invention to modify the

teachings of Bixby with the teachings of Evans to include the

claimed, "wherein the computing device in which the method is

performed is a mobile computer system" with the motivation to

enable authorized healthcare providers to access and update

patient files using wireless pen-based personal computers; and

to enable complete replacement of physical records, permiting

healthcare providers, such as physicians or nurse practitioners,

to electronically annotate patient data. Thus, a healthcare

provider can acknowledge reviewing patient data, provide

instructions, such as prescriptions for medication to administer

to a patient, and approve recommendations for treatment by other

providers, all by electronically annotating a patient's record.
In addition, authorized healthcare providers can access a record
while other providers use the same record allowing for real-time
collaboration. The availability of electronic data permits
instant, sophisticated analysis of patient data (Evans, col
2,lines 45-64).

Regarding Claim 87, Bixby does not teach the claimed,
"wherein the computing device in which the method is performed
is a body-supported computer system".

Evans teaches the claimed, "wherein the computing device in
which the method is performed is a body-supported computer
system" (i.e. wireless pen-based computer) (col 2,lines 45-64).

It would have been obvious to a person of ordinary skill in
the art at the time of Applicant's invention to modify the
teachings of Bixby with the teachings of Evans to include the
claimed, "wherein the computing device in which the method is
performed is a body-supported computer system"" with the
motivation to enable authorized healthcare providers to access
and update patient files using wireless pen-based personal
computers; and to enable complete replacement of physical
records, permitting healthcare providers, such as physicians or
nurse practitioners, to electronically annotate patient data.
Thus, a healthcare provider can acknowledge reviewing patient

data, provide instructions, such as prescriptions for medication

to administer to a patient, and approve recommendations for

treatment by other providers, all by electronically annotating a

patient's record. In addition, authorized healthcare providers

can access a record while other providers use the same record

allowing for real-time collaboration. The availability of

electronic data permits instant, sophisticated analysis of

patient data (Evans, col 2,lines 45-64).

Regarding Claim 88, Bixby does not teach the claimed,

"wherein the computing device in which the method is performed

is a mobile computer system".

Evans teaches the claimed, "wherein the computing device in

which the method is performed is a mobile computer system" (i.e.

wireless pen-based computer) (col 2,lines 45-64).

It would have been obvious to a person of ordinary skill in

the art at the time of Applicant's invention to modify the

teachings of Bixby with the teachings of Evans to include the

claimed, "wherein the computing device in which the method is

performed is a mobile computer system" with the motivation to

enable authorized healthcare providers to access and update

patient files using wireless pen-based personal computers; and

to enable complete replacement of physical records, permitting

healthcare providers, such as physicians or nurse practitioners,

to electronically annotate patient data. Thus, a healthcare

provider can acknowledge reviewing patient data, provide

instructions, such as prescriptions for medication to administer

to a patient, and approve recommendations for treatment by other

providers, all by electronically annotating a patient's record.

In addition, authorized healthcare providers can access a record

while other providers use the same record allowing for real-time

collaboration. The availability of electronic data permits

instant, sophisticated analysis of patient data (Evans, col

2,lines 45-64).

Regarding Claims 89-93, these claims are identical to the

rejected claims above 76-88. They are therefore rejected as set

forth above.

Conclusion

The prior art made of record and not relied upon is

considered pertinent to Applicant's disclosure.

Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Diane D.

Mizrahi whose telephone number is (703) 305-3806. The examiner

can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are

unsuccessful, the examiner's supervisor, Dov Popovici can be

reached on (703) 305-3830. The fax phone numbers for the

organization where this application or proceeding is assigned

are (703) 305-9000 for regular communications and (703)

305-9000 for After Final communications.

Any inquiry of a general nature or relating to the status

of this application or proceeding should be directed to the

receptionist whose telephone number is (703) 305-9001.

Diane Mizrahi
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Technology Center 2100

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